

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re:)	Case No. 18-10514 (AIH)
)	
WILSON LAND PROPERTIES, LLC,)	Chapter 7
)	
Debtor.)	Judge: ARTHUR I. HARRIS

**MOTION OF TRUSTEE FOR AUTHORITY TO PAY FINAL ADMINISTRATIVE
EXPENSES OF REALTOR AND PROPERTY MANAGER,
AG REAL ESTATE GROUP, INC.**

Sheldon Stein, the Chapter 7 Trustee herein (the “Trustee”), respectfully moves for an order authorizing the Trustee to pay all final administrative expenses of *Ag Real Estate Group, Inc.* (“*Ag Real Estate*”). *Ag Real Estate* is the realtor/broker and property manager previously employed by the bankruptcy estate to sell and manage real property. The Trustee has completed the administration and sale of all parcels of real property in the within case. This Court previously authorized the operation of the Debtor’s business (Docket Nos. 194 and 276) and employing *Ag Real Estate* (Docket No. 183); and those Orders previously authorized the payment of *Ag Real Estate*’s commissions and expenses. The Orders also approved the terms and conditions of a management agreement between the Trustee and *Ag Real Estate* (*see, e.g.*, Docket No. 183 and the Exhibit/Management Agreement attached to that Order).

The Trustee hereby requests authority to pay all remaining fees and expenses of *Ag Real Estate*, including management fees, expenses, and attorney fees (as previously agreed within the terms and conditions of the Management Agreement approved by this Court) incurred by *Ag Real Estate* arising from a frivolous claim brought by a commercial tenant at one of the properties. The

requested payment to *Ag Real Estate* is the sum of \$13,685.70. Notice of this matter is being given to all counsel for parties entering an appearance in this matter.

This motion is made pursuant to 11 U.S.C. §§ 330, 503, 704 and 721. In support of this motion, the Trustee states as follows:

1. This case was commenced by the filing of a voluntary petition for relief under chapter 11 of the Bankruptcy Code on January 31, 2018; and the case was converted to a chapter 7 case on July 3, 2019. Sheldon Stein was subsequently appointed as Chapter 7 Trustee.

2. The property of the within bankruptcy estate consisted of numerous parcels of real property located primarily in Lake County, Ohio. *See* Docket No. 189, Exhibit “A” Some of the properties were disclosed by the Debtor in its bankruptcy petition and schedules, and others were undisclosed.

3. The Trustee, with the direct assistance of *Ag Real Estate*: (a) investigated the values of each of the properties, analyzing the market values of each property and the liens against each property; (b) managed several of the properties, including management of all tenant, utility, and insurance issues, (c) collected rents from tenants for several of the properties, (d) determined which properties to abandon and the appropriate time for abandonment; and (e) actively marketed the properties for sale.

4. The Trustee had a duty to preserve the Real Property and the rent payments associated with the Real Property, all in accordance with 11 U.S.C. § 704(a)(1).

5. The Trustee, with the direct assistance of *Ag Real Estate*, eventually sold the following properties:

Property	Sale Order	Sale Price	Buyer
9010 Tyler Boulevard Mentor, Ohio 44060 Parcel 16B590000210	December 16, 2019 Docket No. 231	\$750,000.00	Walton Hills Green Transfer, LLC
1419 East 357 th Street Eastlake, Ohio 44095 Parcel 34A008E000270 Parcel 34A008E000280	June 2, 2020 Docket No. 285	\$30,000.00	Family Time Property Holdings LLC
7347 Reynolds Road Mentor, Ohio 44060 Parcel 16C0700000150	August 13, 2020 Docket No. 291	\$115,000.00	#Flippinglakecounty Ltd.
521-523 Mentor Avenue Painesville, Ohio 44070 Parcel 15C0160000300	November 30, 2020 Docket No. 320	\$115,000.00	Jacob Poyar Properties LLC
8635 East Avenue Mentor, Ohio 44060 Parcel 16B052P000010	January 27, 2021 Docket No. 356	\$232,000.0	Pick Properties LLC
Total :		\$1,242,000.00	

See also Docket No. 358 and Entry (Report of Sale) Dated 2/10/2021.

6. The services of *Ag Real Estate* directly contributed to the recovery of the gross sum of \$1,242,000.00 for the benefit of the bankruptcy estate and creditors.

7. Certain parcels of the Real Property were occupied by commercial and residential tenants; and it was necessary to manage such properties, and collect/preserve rent payments until the subject parcels were sold or abandoned.

8. The management agreement approved by the Court (*see* Docket No. 183 and attached Exhibit) (the “Management Agreement”) included the following provisions:

- (a) the payment of real estate sale commissions (*see* Management Agreement, Section 21.5), which have previously been paid to *Ag Real Estate* pursuant to all Orders authorizing the respective sales (*see* Docket Nos. 231, 285, 291, 320 and 356);

- (b) the payment of monthly management fees based on the number of properties and tenants managed by *Ag Real Estate* (*see* Management Agreement, Section 17.1);
- (c) reimbursement of expenses (*see* Management Agreement, Section 10.2); and
- (d) an agreement to reimburse *Ag Real Estate*, subject to approval of the Court, for “reasonable attorneys’ fees relating to any alleged violations of law (*see* Management Agreement, Section 15).

9. The fees and expenses requested herein are the actual, necessary costs and expenses of preserving the Real Property pursuant to 11 U.S.C. § 503(b), and/or were generally authorized by the Management Agreement.

10. Trustee hereby requests authority to pay administrative expenses to *Ag Real Estate* in the total sum of \$13,685.70 representing final/remaining and unpaid (i) management fees in the sum of \$2,600.00, (ii) reimbursement of expenses associated with the Real Property in the sum of \$300.70, (iii) attorney fees *Ag Real Estate* was forced to incur as a result of a frivolous grievance filed by a former tenant of the Debtor with the Ohio Division of Real Estate (the “Grievance Complaint”), in the sum of \$10,785.00.

11. The Grievance Complaint was filed by Roger Bahner, who previously filed numerous, frivolous documents, motions and responses with this Court. *See* Docket Nos. 224, 230, 241, 243, 261, 265, 266, 270, 273, 274, 275, 278, 281 and 283. *See also* Trustee’s Response to Roger Bahner’s filings, Docket No. 279. All of Mr. Bahner’s motions were denied by the Court.

12. A summary of the requested fees, expenses and reimbursements of *Ag Real Estate* is attached hereto as Exhibit “A” and incorporated herein by reference.

13. The backup documents supporting the summary of the fees, expenses and reimbursement of Ag Real Estate, including invoices for attorney fees, are attached hereto as Exhibit “B” and incorporated herein by reference.

14. The sum of the fees, expenses and requested reimbursements, as set forth on Exhibits “A” and “B,” is \$13,685.70.

WHEREFORE, Sheldon Stein, Chapter 7 Trustee, respectfully requests this motion be granted, and that he be authorized to pay all final administrative expenses of *Ag Real Estate Group, Inc.*, as specified in Exhibits “A” and “B” attached hereto, all pursuant to pursuant to 11 U.S.C. §§ 330, 503, 704 and 721, and pursuant to the prior Orders entered by this Court authorizing the operating of the Debtor’s business and the retention of *Ag Real Estate Group, Inc.* (Docket Nos. 183, 194 and 276). The Trustee requests authority to pay *Ag Real Estate Group, Inc.*, the sum of \$13,685.70 as a final administrative expense in the within chapter 7 case.

Respectfully submitted,

/s/ Robert D. Barr

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CERTIFICATE OF SERVICE

I certify that on February 16, 2021, a true and correct copy of the foregoing Motion to Pay Final Administrative Expenses was served:

Via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

Sheldon Stein, Trustee, at ssteindocs@gmail.com

Robert D. Barr, Attorney for the Trustee, at rbarr@koehler.law

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/s/ Robert D. Barr

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